

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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IN RE PHARMACEUTICAL INDUSTRY )  
AVERAGE WHOLESALE PRICE ) MDL No. 1456  
LITIGATION )  
THIS DOCUMENT RELATES TO ALL ) CIVIL ACTION: 01-CV-12257 PBS  
CLASS ACTIONS ) Judge Patti B. Saris  
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**PLAINTIFFS' STATEMENT IN RESPONSE TO MOTION FOR  
ENTRY OF SEPARATE AND FINAL JUDGMENT IN FAVOR OF  
DEFENDANT HOFFMANN-LA ROCHE INC. PURSUANT  
TO FEDERAL RULE OF CIVIL PROCEDURE 54(B)**

Plaintiffs do not object to the entry of a separate and final judgment pursuant to Federal Rule of Civil Procedure 54(B) in favor of Defendant Hoffmann-La Roche so long as a dismissal with prejudice and entry of final judgment applies only as to the named Plaintiffs and not to the absent class members as a class has not been certified.

DATED: April 23, 2004

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#### CERTIFICATE OF SERVICE

I hereby certify that I, Thomas M. Sobol, an attorney, caused a true and correct copy of the foregoing *Plaintiffs' Statement in Response to Motion for Entry of Separate and Final Judgment in Favor of Defendant Hoffman La-Roche, Inc.* Pursuant to Federal Rule of Civil Procedure 54(B) to be served on all counsel of record electronically on April 23, 2004, pursuant to Section D of Case Management Order No. 2.

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